

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ELLIPTIC WORKS LLC,

Plaintiff,

V.

[illegible]

Case No. _____

FLUIDRA SA, FLUIDRA NORTH AMERICA
LLC, FLUIDRA USA LLC, ZODIAC POOL
SOLUTIONS NORTH AMERICA LLC,
ZODIAC POOL SYSTEMS LLC, and
ZODIAC POOL CARE EUROPE SAS,

Defendants.

MOTION TO FILE CERTAIN EXHIBITS TO COMPLAINT UNDER SEAL

Plaintiff Elliptic Works, LLC, by and through its undersigned counsel, moves for leave to file under seal certain Exhibits to this Complaint, and, in support thereof, states as follows:

1. Plaintiff's Complaint seeks to remedy Defendants' patent infringement, breach of contract, and violation of U.S. and Delaware trade secret protection laws, in relation to Plaintiff's patented and confidential proprietary information developed from research into underwater visual light communication and its applications.

2. Exhibits No. 4 and 6 to the Complaint contain confidential and trade secret information regarding underwater visual light communication and its applications, developed through many years of research and proprietary to Plaintiff.

3. A well-settled exception to the public’s right of access to judicial records is the “protection of a party's interest in confidential commercial information, such as a trade secret, where there is a sufficient threat of irreparable harm.” *PACT XPP Schweiz AG v. Intel Corp.*, No. 1:19-CV-01006-JDW, 2023 WL 12014764, at *1 (D. Del. Oct. 30, 2023) (citing *In re Gabapentin*

Pat. Litig., 312 F. Supp. 2d 653, 664 (D.N.J. 2004)); *see also In re Yahoo! Inc. S'holders Litig.*, No. CIV.A. 3561-CC, 2008 WL 2268354, at *1, n. 2 (Del. Ch. June 2, 2008) (recognizing good cause for sealing documents containing “trade secrets, third-party confidential material, or nonpublic financial information” and collecting supporting authority).

4. Plaintiff respectfully submits good cause exists to seal Exhibits 4 and 6 to the Complaint because, without the protections sought by this Motion, public disclosure of the confidential and proprietary information contained in Exhibits 4 and 6 to the Complaint would result in the loss of trade secrets which have independent economic value to Plaintiff, and irreparable harm to Plaintiff through loss of competitive advantage in the pool system industry. Moreover, Plaintiff's request is narrowly limited to two exhibits to the Complaint (of a total of 13) and does not extend to the Complaint itself.

5. Thus, Plaintiff respectfully requests that the Court enter an Order in the form attached hereto granting Plaintiff leave to file Exhibits 4 and 6 to the Complaint under seal.

WHEREFORE, Plaintiff respectfully requests that the Court grant this Motion and such further relief as the Court deems just and proper.

Dated: Feb. 10, 2025

Respectfully submitted,

OFFIT KURMAN P.A.

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